

Committee Agenda

Committee: Senate Agriculture and Natural Resources
Room: 412
Date: Tuesday, February 8, 2011
Time: 10:00 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

[SB 153](#) **revise fees for resident nurserymen.**
Senators Begalka, Kraus, Novstrup (Al), Sutton, and Vehle and Representatives Hoffman, Fargen, Hickey, Street, Van Gerpen, and Willadsen

[HB 1009](#) **repeal the authority of the Department of Environment and Natural Resources to regulate public swimming places and bulk water haulers.**
The Committee on Agriculture and Natural Resources at the request of the Department of Environment and Natural Resources

[HB 1010](#) **revise the definition of bulk pesticide.**
The Committee on Agriculture and Natural Resources at the request of the Department of Agriculture

[HB 1016](#) **revise certain provisions regarding the licensing and regulation of grain buyers, grain warehouses, and weighmasters.**
The Committee on Agriculture and Natural Resources at the request of the Public Utilities Commission

[HB 1037](#) **revise certain posting requirements relating to hunting in the Black Hills Fire Protection District.**
Representatives Verchio, Bolin, Deelstra, Greenfield, Haggar, Hansen (Jon), Kopp, Lucas, Olson (Betty), Steele, Street, Tornow, and Van Gerpen and Senators Rampelberg, Maher, Nygaard, Rhoden, and Tieszen

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

[SB 157](#) **establish an agricultural supplier's lien and to provide for its grant, content, filing, priority, and effect.**
Senators Rave, Hansen (Tom), Lederman, and Rhoden and Representatives Gosch, Brunner, Carson, Fargen, Lust, and Olson (Betty)

SHANTEL KREBS, Chair

86th Legislative Session – 2011

Committee: Senate Commerce and Energy

Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Buhl
P Johnston
P Lederman
P Rave
P Nygaard, Vice-Chair
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by chair, Senator Tom Nelson.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 3, 2011

Moved by: Rave
Second by: Nygaard
Action: Prevailed by voice vote.

SB 76: exempt certain gift certificates and closed-loop prepaid cards from the unclaimed property provisions.

Presented by: Senator Shantel Krebs
Proponents: Shawn Lyons, SD Retailers Association
Rich Sattgast, SD State Treasure
David Owen, SD Chamber of Commerce & Industry
Michele Brich, SD Innkeepers Association

MOTION: DO PASS SB 76

Moved by: Adelstein

Second by: Lederman
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

MOTION: PLACE SB 76 ON CONSENT CALENDAR

Moved by: Nygaard
Second by: Adelstein
Action: Prevailed by voice vote.

SB 132: provide the right of first refusal to construct and own electric transmission lines to incumbent electric utilities.

Presented by: Senator Tim Rave
Proponents: Steve Willard, SD Electric Utilities (Handouts: #1)
Brett Koenecke, SD Electric Utility Companies
Chris Nelson, Public Utilities Commissioner
Opponents: Deb Birgen, Missouri River Energy
Larry Nelson, SD Municipal Electric Association

Kevin Kouba, Otter Tail Power Company, answered questions of the committee

MOTION: AMEND SB 132

132fb

On page 1, line 10 of the printed bill, after "state" insert "municipal power agency".

On page 2, delete lines 1 to 12, inclusive, and insert:

"connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed in writing. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner may give notice to the commission, in writing, within ninety days of approval, of its intent to construct, own, and maintain the electric transmission line. If no notice is provided, the incumbent electric transmission owner shall surrender its first right to construct, own, and maintain the electric transmission line."

Moved by: Adelstein
Second by: Nygaard
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 132

132ja

On page 1, line 9, of the printed bill, after "state" delete "or" and insert ", a".

On page 1, line 10, after "state" insert ", a municipal power agency whose members furnish electric service in this state,".

On page 2, line 3, after "." insert "This right is only available if the incumbent transmission owner offers to other incumbent electric transmission owners who serve load in the incumbent transmission owner's load zone commercially reasonable terms and conditions of joint ownership in the electric transmission line. The commission may not approve the electric transmission line unless the incumbent transmission owner receives a written release from all the other incumbent electric transmission owners who serve load in the load zone that they do not desire to invest in the electric transmission line.".

On page 2, line 12, after "." insert "Within one year after the notice, the incumbent electric transmission owner shall file an application for a permit in accordance with chapter 49-41B.".

Moved by: Nygaard
Second by: Buhl
Action: Failed by voice vote.

MOTION: AMEND SB 132

132jb

On page 1, line 10 of the printed bill, after "state" insert "or a municipal power agency".

On page 2, delete lines 1 to 12, inclusive, and insert:

"connects to facilities owned by two or more incumbent electric transmission owners belongs individually and proportionally to each incumbent electric transmission owner, unless otherwise agreed in writing. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, the incumbent electric transmission owner may give notice to the commission, in writing, within ninety days of approval, of its intent to construct, own, and maintain the electric transmission line. If no notice is provided, the incumbent electric

transmission owner shall surrender its first right to construct, own, and maintain the electric transmission line.

Moved by: Adelstein
Second by: Nygaard
Action: Prevailed by voice vote.

MOTION: DO PASS SB 132 AS AMENDED

Moved by: Rave
Second by: Johnston
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Adelstein, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

Voting No: Buhl

HB 1031: increase the national registry fee for real estate appraisers.

Presented by: Sherry Bren, Department of Labor

MOTION: DO PASS HB 1031

Moved by: Nygaard
Second by: Adelstein
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Nygaard, Nelson (Tom)

Excused: Rave

HB 1032: authorize imposition of a permanent injunction upon any person engaged in an unlicensed real estate appraisal practice.

Presented by: Sherry Bren, Department of Labor
Proponents: Randy Vance, Professional Appraisers Association

MOTION: DO PASS HB 1032

Moved by: Buhl
Second by: Lederman
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Nygaard, Nelson (Tom)

Excused: Rave

MOTION: PLACE HB 1032 ON CONSENT CALENDAR

Moved by: Nygaard

Second by: Lederman

Action: Prevailed by voice vote.

HB 1036: revise the time when financial reports of the guaranty association are submitted to the director of insurance.

Presented by: Craig Matson, State Farm Insurance

Proponents: Merle Scheiber, Division of Insurance

MOTION: DO PASS HB 1036

Moved by: Adelstein

Second by: Johnston

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Nygaard, Nelson (Tom)

Excused: Rave

MOTION: PLACE HB 1036 ON CONSENT CALENDAR

Moved by: Nygaard

Second by: Buhl

Action: Prevailed by voice vote.

SB 201: restrict the application of certain foreign laws, legal codes, and system with respect to state legal proceedings.

MOTION: REFER SB 201 TO STATE AFFAIRS

Moved by: Lederman

Second by: Adelstein

Action: Prevailed by roll call vote. (5-1-1)

Voting Yes: Adelstein, Johnston, Lederman, Nygaard, Nelson (Tom)

Voting No: Buhl

Excused: Rave

HB 1034: repeal the requirement for motor vehicle liability insurance safety rating discounts for certain older motor vehicle drivers.

MOTION: DO PASS HB 1034

Moved by: Nygaard

Action: Died for lack of a second.

MOTION: AMEND HB 1034

1034ja

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That § 58-11-58 be amended to read as follows:

58-11-58. Any schedule of rates or rating plan for private passenger motor vehicle bodily injury and property damage liability insurance and collision insurance submitted to, or filed with, the Division of Insurance shall provide for an appropriate reduction in premium charges for persons fifty-five years of age or older who have successfully completed a motor vehicle accident prevention course ~~meeting the criteria approved by the Department of Revenue and Regulation.~~

A motor vehicle accident prevention course shall include at least four hours of online or classroom instruction on the effects of aging on driving behavior; the effects of alcohol, drugs, and medications on older drivers; laws relating to the proper use of a motor vehicle and safe driving behavior; traffic crash avoidance and prevention measures; and driving hazards and risk factors associated with traffic crash prevention.

However, insurers who offer a separate discount which is based upon the age of persons who are fifty-five years of age or older or upon their driving record, are exempt from the provisions of this section and are not required to make an additional filing with the Division of Insurance as a result of the discount required by this section.

Section 2. That § 58-11-59 be amended to read as follows:

58-11-59. Upon successfully completing the ~~approved~~ course, each person shall be issued a certificate by the organization offering the course which shall be used to qualify for the premium discount required by § 58-11-58.

Section 3. That § 58-11-60 be amended to read as follows:

58-11-60. A person shall take and pass the ~~approved~~ course every three years to continue to be eligible for the premium discount required by § 58-11-58.

Section 4. That § 58-11-61 be amended to read as follows:

58-11-61. The premium discount required by § 58-11-58 shall be effective for an insured for a three-year period after successful completion of the ~~approved~~ course. However, the insurer may require, as a condition of providing and maintaining the discount, that the insured:

- (1) Has not been involved in an accident for which the insured is at fault;
- (2) Has not been convicted, pled guilty, or nolo contendere to a moving traffic violation, or to a traffic related alcohol or narcotics offense; and
- (3) Has maintained a driving record free of violations and accidents for which the insured has been found liable for a three-year period prior to course completion.

This section does not apply if the ~~approved~~ course is taken as specified by a court or other governmental entity resulting from a moving traffic violation."

Moved by: Adelstein
Second by: Buhl
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1034 AS AMENDED

Moved by: Adelstein
Second by: Johnston
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

MOTION: AMEND TITLE OF HB 1034

On page 1, line 1, of the printed bill, delete "repeal" and insert "revise".

Moved by: Lederman
Second by: Nygaard
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Buhl
Second by: Lederman
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Tom Nelson, Chair

86th Legislative Session – 2011

Committee: Senate Education

Tuesday, February 08, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Gray
P Kraus
P Rave
P Schlekeway
P Johnston, Vice-Chair
P Garnos, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Cooper Garnos, Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 3, 2011

Moved by: Schlekeway
Second by: Kraus
Action: Prevailed by voice vote.

SB 152: require that any reduction in the general fund levies of a school district only account for increases in the taxable valuation of property and to revise the property tax levies for the general fund of a school district.

Presented by: Senator Larry Rhoden (Handout: 1)
Proponents: Dick Tieszen, Sioux Falls School District
Debbie D Hoffman, self, Sioux Falls
David Owen, SD Chamber of Commerce & Industry
Justin Smith, Sioux Falls Area Chamber of Commerce
Jim Hutmacher, Mid-Size Schools
Sandra Waltman, SD Education Association
Michael Held, SD Farm Bureau

Dianna Miller, Large School Group
John Pedersen, School Administrator of South Dakota
Bill Engberg, Associated School Boards of SD

MOTION: DO PASS SB 152

Moved by: Rave
Second by: Johnston
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Bradford, Gray, Rave, Schlekeway, Johnston, Garnos

Voting No: Kraus

SB 126: stabilize the funding of the state aid to education formula for two years by appropriating money from the education enhancement trust fund and borrowing money from certain school districts, to create the education stabilization fund, and to prohibit school districts from imposing an excess tax levy for two years.

Presented by: Senator Mark Johnston (Handout: 2)
Proponents: Representative Bernie Hunhoff
Debbie D Hoffman, self, Sioux Falls
Justin Smith, Sioux Falls Area Chamber of Commerce
Opponents: Dianna Miller, Large School Group (Handout: 3)
Jim Hutmacher, Mid Size Schools
Sandra Waltman, SD Education Association
Jim Terwilliger, Bureau of Finance and Management (Handout: 3)

MOTION: DO PASS SB 126

Moved by: Schlekeway
Second by: Johnston
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Bradford, Gray, Schlekeway, Johnston, Garnos

Voting No: Kraus, Rave

SB 77: require the approval of the resident school district if a student who open enrolls is transported within the student's resident district by the receiving district.

Presented by: Senator Shatel Krebs
Proponents: Dianna Miller, Large School Group
Scott Swier, Small School Adjustment Alliance
Debbie D Hoffman, self, Sioux Falls
Jason Selchert, Superintendent, Gayville School District
Dick Tieszen, Sioux Falls School District
Opponents: Veda Obermann, Self, Huron
Michelle Hofer, self, Huron (Handout: 4)
James Cutshaw, Superintendent, Wolsey
Kim Olson, self, Huron

MOTION: AMEND SB 77

77ce

On page 1 of the printed bill, delete lines 6 to 14, inclusive, and insert:

"

13-28-45. The parent or guardian of a student who has been accepted for transfer is responsible for transporting the student to school in the receiving district without reimbursement. ~~Either the district of residence or the receiving district may provide transportation to students approved for transfer. A receiving school district may enter the district of residence of students accepted for transfer into that school district to provide transportation to those students. However, the school boards in both the receiving school district and the resident school district shall annually approve the pick-up locations for those students within any incorporated municipality. When approving pick-up locations, the school boards shall base their decisions foremost on student safety. If the school boards cannot reach agreement on the pick-up locations, the locations shall be determined by the secretary of the Department of Education.~~ The provisions of § 13-29-4 do not apply when transporting students enrolled under the provisions of §§ 13-28-40 to 13-28-47. The receiving district may charge a reasonable fee if the student elects to use the transportation services offered by the receiving district."

Delete page 2.

Moved by: Gray
Second by: Schlekeway
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 77 UNTIL THURSDAY, FEBRUARY 10,
2011

MOTION: ADJOURN

Moved by: Johnston
Second by: Rave
Action: Prevailed by voice vote.

Cheri Hauschild
Committee Secretary

Cooper Garnos, Chair

Revised Committee Agenda

Committee: Senate Judiciary
Room: 413
Date: Tuesday, February 8, 2011
Time: 7:45 AM

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the Legislative Research Council (605-773-3251) 48 hours before convening to make any necessary arrangements.

Governor's Reappointment:

Timothy A. Reisch, Miner County, Howard, South Dakota, to the position of Secretary of the Department of Corrections

[SB 159](#) **increase the maximum allowable uniform charge relating to 911 emergency services.**

Senators Bradford, Maher, and Sutton and Representatives Lucas, Juhnke, and Sigdestad

[SB 71](#) **prohibit the use of certain handheld electronic wireless devices for electronic messaging while driving.**

Senators Tieszen, Lederman, Nygaard, and Vehle and Representatives Bolin, Conzet, Jones, Romkema, Stricherz, White, and Willadsen

[SB 115](#) **prohibit the use of certain wireless communication devices while driving.**

Senators Adelstein and Lederman and Representatives Feinstein, Kopp, and Lucas

BILLS FOR POSSIBLE ACTION WHICH HAVE HAD PRIOR HEARING.

CRAIG TIESZEN, Chair